

accountable for their conduct. (*p*) These are our fundamental axioms and first principles; consequently, the general assembly, or all, or any portion of our government cannot exercise *sovereign* authority, in any case, over any subject whatever; since it is clear that, when regarded in this point of view, our whole government must be considered as strictly limited, as well by its general nature, as by the special provisions of the constitution itself. Here, therefore, the *sovereignty* belongs altogether and exclusively to *the people* of the state. (*q*)

It is declared, that the legislative, executive, and judicial powers of government ought to be forever separate and distinct from each other; (*r*) that no state shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; (*s*) and that no freeman ought to be taken, or imprisoned, or dis-seized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land. (*t*) Consequently, the general assembly must be considered as restrained, not only by the general principles and delegated nature of the government itself, from exercising any arbitrary power over the rights or property of an individual; but according to this declared separation of powers, and under the positive restrictions by which its powers are limited, it can exercise no authority which is manifestly beyond the confines of its own legitimate sphere as a legislative department. (*u*) It cannot adjudicate upon any matter in the manner of a court of justice; (*w*) it can make no partial distinctions among citizens, (*x*) or pass any law impairing the obligation of contracts; nor can it be allowed to assume the truth of any facts upon which of itself to pronounce a judgment, or to direct the judiciary to do so in any manner, so as onerously or destructively to affect the rights of any one; or, by passing or repealing any law, to deprive any one of a previously vested right of property. (*y*) And looking to the delegated and

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(*p*) Decla. Rights Maryland, art. 1 and 4.—(*q*) Vanhorne's Lessee *v.* Dorrance, 2 Dall. 311; *Calder v. Bull*, 3 Dall. 386; *Dash v. Van Kleeck*, 7 John. Rep. 477; *Enslin v. Bowman*, 6 Binney, 471; *Trustees of the University v. Foy*, 2 Haywood, 310, 374; *Satterlee v. Matthewson*, 2 Peters, 380; *Wilkinson v. Leland*, 2 Peters, 623; *Crane v. Meginnis*, 1 G. and J. 463.—(*r*) Decla. Rights Maryland, art. 6.—(*s*) Const. U. S. art. 1, s. 10.—(*t*) Decla. Rights Maryland, art. 21.—(*u*) *Berrett v. Oliver*, 7 G. and J. 206.—(*w*) *Dash v. Van Kleeck*, 7 John. Rep. 508; *Evans v. Eaton*, 3 Wheat. 513; *Crane v. Meginnis*, 1 G. and J. 476.—(*x*) *Kames' Pri. Eq. b. 2, c. 3*; Decla. Rights Maryland, art. 39.—(*y*) *McMechen v. The Mayor of Baltimore*, 2 H. and J. 41.